

6 JUDGE TORRES

25 CV 04339

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF NEW YORK**

Abdul Q. Awan
Sui Juris, In Propria Persona
Claimant, Petitioner

DOCKET

Vs.

VERIFIED

MTA, New York Metropolitan Transit Authority,

COMPLAINT

Homeland Security Dept.,

National Transportation Safety Board (NTSB)

Center for disease Control (CDC),

Dept. of Transportation, (US DOT)

United States Attorney (DOJ)

**Jurisdiction: The case is brought to the Federal Court Federal Question
Title 28 USC §1331 and Statute of Whistle blower Act Title 5 USC §2302,**

- 1. and also under Article 3 of the federal constitution, the constitution is the contract
between the People and the government to redress the issues of Law and Equity.
and People of different states. The Claimant is a resident of Pennsylvania.
Defendants are in New York State. Civil rights violations act 42 USC §§1983**

**The Venue is correct as the acts and crimes occurred in Manhattan, City of New York and
on American Soil**

JURY TRIAL DEMANDED

THE COURT

The People of New York [Coram Ipso Rege] & New York Unified Common Law Grand Jury
[Coram Nobis]: from the Kings bench the Decree of Law of the case is as follows; the petitioner
is one of the people of We the People and will hold absolute control of the Court at all times.
THE COURT **COMES NOW** to review the facts, record, and process. We Command you to
Obey the will of the People

Ordains, establishes, decree of LAW OF THE CASE

2. COURT - [Black's, 4th] The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070;
3. "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial". Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.
4. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or Supreme Court) can second guess the judgment of a court of record. "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." [Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)].
5. An extraordinary writ, issued by a superior court to an inferior court to prevent the latter from exceeding its jurisdiction, either by prohibiting it from assuming jurisdiction in a matter over which it has no control, or from going beyond its legitimate powers in a matter of which it ha's jurisdiction. State v. Medler, 19 N.M. 252, 142 P. 376, 377.
6. NISI PRIUS. (Bouvier's Law, 1856 Edition) Where courts bearing this name exist in the United States, they are instituted by statutory provision.

7. CHARTER. An act of a legislature creating a corporation, or creating and defining the franchise of a corporation. *Baker v. Smith*, 41 RI. 17, 102 A. 721, 723; *Bent v. Underdown*, 156 Ind. 516, 60 N.E. 307. Also a corporation's constitution or organic law; *Schultz v. City of Phcenix*, 18 Ariz. 35, 156 P. 75, 76; *C. J. Kubach Co. v. McGuire*, 199 Cal. 215, 248 P. 676, 677; that is to say, the articles of incorporation taken in connection with the law under which the corporation was organized; *Chicago Open Board of Trade v. Imperial Bldg. Co.*, 136 Ill.App. 606; *In re Hanson's Estate*, 38 S.D. 1, 159 N.W. 399, 400. The authority by virtue of which an organized body acts. *Ryan v. Witt*, Tex. Civ.App., 173 S.W. 952, 959. A contract between the state and the corporation, between the corporation and the stockholders, and between the stockholders and the state. *Bruun v. Cook*, 280 Mich. 484, 273 N.W. 774, 777.

8. COLOR OF LAW. [Black's Law 4th] -- The appearance or semblance, without the substance, of legal right. [*State v. Brechler*, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (*Atkins v. Lanning*, 415 F. Supp. 186, 188)

9. The decisions of a superior court may only be challenged in a court of appeal. The decisions of an inferior court are subject to collateral attack. In other words, in a superior court one may sue an inferior court directly, rather than resort to appeal to an appellate court. Decision of a court of record may not be appealed. It is binding on ALL other courts. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record whose jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." [*Ex parte Watkins*, 3 Pet., at 202-203. [cited by *SCHNECKLOTH v. BUSTAMONTE*, 412 U.S. 218, 255 (1973)]]

10. COURT OF CHANCERY. A court having the jurisdiction of a chancellor; a court administering equity and proceeding according to the forms and principles of equity. In England, prior to the judicature acts, the style of the court possessing the largest equitable powers and jurisdiction was the "high court of chancery." In some of the United States, the title "court of chancery" is applied to a court possessing general equity powers, distinct from the courts of common law. *Parmeter v. Bourne*, 8 Wash. 45, 35 P. 586; *Bull v. International Power Co.*, 84 N.J.Eq. 209, 93 A. 86, 88. The terms "equity" and "chancery," "court of equity" and "court of chancery," are constantly used as synonymous in the United States. It is presumed that this custom arises from the circumstance that the

equity jurisdiction which is exercised by the courts of the various states is assimilated to that possessed by the English courts of chancery. Indeed, in some of the states it is made identical therewith by statute, so far as conformable to our institutions. *Wagner v. Armstrong*, 93 Ohio St. 443, 113 N.E. 397, 401. CHANCELLOR. In American law, this is the name given in some states to the judge (or the presiding judge) of a court of chancery.

11. OBSTA PRINCIPIIS. Lat. Withstand begin-nings; resist the first approaches or encroachments. *Bradley, J., Boyd v. U. S.*, 116 U.S. 635, 6 Sup.Ct. 535, 29 L.Ed. 746.
12. NISI PRIUS COURT "Nisi prius" is a Latin term (Black's 5th) "Prius" means "first." "Nisi" means "unless." A "nisi prius" procedure is a procedure to which a party FIRST agrees UNLESS he objects. A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A "nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.
13. Supremacy Clause - This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. Article VI
14. "Law of the land," "due course of law," and "due process of law" are synonymous. *People v. Skinner*, Cal., 110 P.2d 41, 45; *State v. Rossi*, 71 R.I. 284, 43 A.2d 323, 326; *Direct Plumbing Supply Co. v. City of Dayton*, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; *Stoner v. Higginson*, 316 Pa. 481, 175 A. 527, 531.
15. [Blacks Law] Before us ourselves, (the king, i. e., in the king's or queen's bench.) [tribunal pre-trial] CORAM NOBIS. [Blacks Law] Before us ourselves, (the king, i. e., in the king's or queen's bench.) Applied to writs of error directed to another branch of the same court, e. g., from the full bench to the court at nisi prius. 1 Archb. Pr. K. B. 234. See Writ of Error.
16. The person and suite of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.

17. CLASSIFICATION Courts may be classified and divided according to several methods, the following being the more usual:

COURTS OF RECORD and COURTS NOT OF RECORD. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231. *A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.* Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689.

18. **28 U.S. Code § 1361** - Action to compel an officer of the United States to perform his duty [US Code] The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.(Added Pub. L. 87-748, § 1(a), Oct. 5, 1962, 76 Stat. 744.). the County clerk will record all documents presented to them in all cases without tampering with the record of the court

19. The sovereign decrees the law ; the statutory law shall be the rule of decision so-long as it's not repugnant to common law

20. *"A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial".* Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244N.Y. 406, 155 N.E. 688, 689.

21. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

22. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]
23. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]
24. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
25. "The very meaning of 'sovereignty' is that the decree of the sovereign makes law." American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047. The herein petitioner decreed, ordained and established by herein petitioners claim, and his will
26. "'Sovereignty' means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree." Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co., 294 N.Y.S. 648, 662, 161 Misc. 903.
27. We approach this action first by the New York State Constitution of 1777, the Statutory Bill of rights of 1787, the Magna Carter and the petition of Right. We the people created this constitution to instruct you the government to do our bidding. The people are sovereign and the government is placed there to serve the people. And we ordain, establish and decree the law as the will of the people.

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28. The statutory bill of rights states the fundamental principal that authority is” derived from the people” see N.Y. Const. of 1777, art.1
29. The American constitution of 1789, for the People on American Soil
30. The constitutional convention of 1821 added the bill of rights and stated: “ proper to keep before the eyes of the legislature a brief and paramount declaration of rights beyond which they cannot go.” Then we move to the separation of powers doctrine; the government is split up into 3 branches it does grant to three separate branches the powers to legislate, to execute, and to adjudicate. One branch cannot perform the duties of the other. The laws made by the legislature cannot be overturned by the judges or governor.
31. Constitutional powers:The Legislature is empowered to make law, subject to the governor's power to veto a bill. However, the veto may be overridden by the Legislature if there is a two-thirds majority in favor of overriding in each House. Furthermore, it has the power to propose New York Constitution amendments by a majority vote, and then another majority vote following an election. If so proposed, the amendment becomes valid if agreed to by the voters at a referendum.
32. The people of this state do not yield their sovereignty to the agencies that serve them.
33. “MAGISTRATE. A person holding official power in a government; as: The official of highest rank in a government (chief, or first, magistrate). An official of a class having summary, often criminal, jurisdiction.” Webster's New Practical Dictionary, 386 (1953), G. & C. Merriam Co., Springfield, Mass.
34. “MAGISTRATE, an official entrusted with administration of the laws”, Merriam-Webster On-Line Dictionary
35. “MAGISTRATE, Person clothed with power as a public civil officer. State ex rel. Miller v. McLeod, 142 Fla. 254, 194 So. 628, 630.” Black's Law Dictionary, 4th Ed., 1103

36. An extraordinary writ, issued by a superior court to an inferior court to prevent the latter from exceeding its jurisdiction, either by prohibiting it from assuming jurisdiction in a matter over which it has no control, or from going beyond its legitimate powers in a matter of which it ha's jurisdiction. State v. Medler, 19 N.M. 252, 142 P. 376, 377.
37. By filing the **Habeas Corpus case Article §70** in 2017, the petitioner Creates the Constitutional Court of Record of Abdul Q. Awan, the highest court in all the land.
38. **The Court of Record Can never be dismissed.** No lower court may trespass or attempt to usurp the authority of the court, interfere with its lawful process. Any violations of the court orders can and will be subject the contemnror/ wrongdoer to the penalty imposed, life in prison, and or financial sanction. The decorum and respect of the court must be maintained. No magistrate can touch the mantle of the court. All discretion of the court is the will of the petitioner at all times. The case once filed can never be un-suited. No magistrate can dismiss the claim ever. All magistrates must be bonded, insured, and sworn to uphold the Constitution of the Federal Republic of American . The judge must produce his oath of office upon demand. We the People established the constitution for the Government to serve the people. The Court will serve the petitioners will at all times.
39. The presiding Judge must be an Article III judge to sit in this proceeding. Without any conflict of interest, neutral and unbiased. Preside in the case with “clean hands”.
40. In accordance with the maxims of COURT OF RECORD
41. The 5th Amendment required that all persons within the United States must be given due process of the law and equal protection of the law. “The Constitution for the United States of America binds all judicial officers at Article 6, wherein it does say, “This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land, and the Judges of every State shall be bound thereby, anything in the Constitution or laws of any state to the Contrary, not withstanding,” see Clause 2.”
42. It is Black letter Law that the Court must view the allegation of the petition/affidavit in the light most favorable to the petitioner. See Gianis v. Gianis 67 A.D.3d 963,964, 890 N.Y.S.2d568, 569 (2d Dept. 2009); Leon v. Martinez 84 N.Y.S.2d 83,87, 638 N.E.2d 511, 513(1994); Hirschorn v. Hirschorn 194 A.D.2d768, 599 N.Y.S.2d 613,614 (2d Dept.1993)
43. It is axiomatic that one functioning as a judge must be a person of good character and repute. Knickerbocker Textile Corp. v. Leifer Mfg. Corp. (Sup)103 N.Y.S.2d 782.

- 44. the court will take judicial notice and for the record
- 45. Private attorney General act 42 USC §1988
- 46. Civil rights violations act 42 USC §§1983

Part 2, Article Sovereign claim petition

The petition of Abdul Q. Awan respectfully states and alleges:

- 47. That your petitioner is Abdul Q. Awan and resides on North American Soil.
- 48. I am the Son of Shabbir A. Awan, a natural Man. Of the Clan Awan.
- 49. The Formal Name is Abdul Qudoos Awan Ibn. Shabbir A. Awan
- 50. The Herein Claim is brought before the court for Damages, Torts, violations and racketeering acts committed by the agents of the Corporation, and the body of the Corporation, New York Metropolitan Transportation authority, Corp. (MTA) but not limited to theft of Money and resources. Direct retaliation in violation of the whistleblower act, causing the Death's and harm to the Workers and Commission of Fraud and fraudulent order. Act constituting racketeering in the MTA operations,
- 51. On all filing heretofore hereinhad. The claimant will build the Court record.
- 52. Violation of the **ADA Title 42 sec. §12131** and Elder Abuse for senior/ handicap reduced fare access.
- 53. RICO charges will be addressed in my Court. **Hobbs Act 18 USC §1951**
- 54. How these individuals create fraudulent cases, absent jurisdiction. Official Records tampering.
- 55. Crimes in the Subways system, shootings in the System property, by transit Armed Guards, without the ability to deescalate with non-lethal means.
- 56. The notice pursuant to CPLR §2302 for a Federal Suit against the M.T.A, Metropolitan Transportation Authority for Violations of R.I.C.O, Whistleblower Act, ADA violations, homeland security. Tort, biohazards contaminations, and workplace safety. was already filed.
- 57. Violence against workers, and retaliation for reporting violations. Official records tampering. Attempting to attack the whistle blower at work.
- 58. Biohazardeous contamination of Transit Equipment, and the documentation and classification, and response. And the net effects of health and deaths of workers related to such.

59. Issues of Collecting Agents responding to and shooting on transit property
60. All issues of OMNY implementation and booth closures. Providing for the ADA/ elderly at stations, and General public safety
61. Homelessness, drug activity, general public safety
62. Revenue intake and loss, misappropriation of funds.
63. General incompetence of management/ miss-management

THE HEREIN CLAIM IS MULTIFACETED AND WILL BE PROCESSED IN SEPARATE PHASES OF THE CLAIM. Each claim portion will be entered into court by sworn claim in affidavit, and defendants will have 20 days to rebut the claim, or be in Default.

Phase 1

First primary Cause

64. Abdul Q. Awan, the Claimant herein did register with the defendant law Dept. as a Federal whistle blower. For reporting “ Biohazardeous contamination” of the Equipment, the workers service. and the areas of the property the workers are assigned. including environmental contaminations workers are exposed to.
65. **such exposures have resulted in serious injury and/or Deaths**
66. **elements of negligence: duty of care, breach of duty, causation, and damages**
67. **The Claim starts with the Death** of the Claimant Co-worker one, Debbie Brown- Richardson. Claimant Alleges: Debbie Brown- Richardson passes away from Cancer , she contracted from exposure to the Contaminations from work equipment and environment.
68. **Debbie Brown- Richardson is among** the plethora of workers who have mysteriously passed away from exposures at work.
69. **Another Co-worker Mr. Peter Foley has passed away from** exposures at work, including but not limited to being sent to work at the World Trade Center disaster site.
70. The Claimant has also suffered a heart attack from being assigned to World Trade Center after its collapse. and /or from prolonged exposure the contaminations at work sites.
71. Reporting of the contaminated equipment: after the exposure to the WTC dust, Claimant switched his job location from Manhattan to Brooklyn shop.
72. Claimant states for the record, that in the Summer of 2002, Claimant puts the First MVM (Metro card Vending Machine) out of Service for Biohazardeous contamination. That contamination being Rat Feces in a closed machine, where as the claimant eyes tread up from the stench. Located at the Brooklyn Myrtle- Willoughby Ave, Train Stop on the G line.

73. Also NYCTA rules and regulations 4D requires workers to report hazardous conditions.
74. The Defendants agents, acting as management (Valerie Montgomery director and K. Bechan, John Weinberger) had an fit. when the claimant documented and reported the first MVM. how dare the claimant take a proactive step to report and document the contamination.
75. the managements answer to this contamination reporting, was to assign the next worker to service the machine and place the machine right back into service.
76. By placing and assigning the next worker after the Machine was reported, Orally and in written reports to management, was in fact a reckless disregard for the safety of all workers and the general public that was purchasing metro cards from these contaminated machines. the Duty of care was breached, and direct causation of harm to the workers.
77. the direct negligence of the agents of the Defendant after being formally noticed of harmful contamination and to willfully send the next worker into the contaminated area, with a reckless disregard for the workers safety, but in many cases to conceal this relevant info from the next worker. they were playing a deadly game with the workers.
78. **the management was making the reports disappear from transit records. and nullify the reports of contamination. wilfully engaged in records tampering.**
79. **specifically not placing the equipment out of service in the computer database would use to assign the worker their assignments.**
80. and in retaliation to the claimant reporting and documenting, the management began to target the claimant with being followed in the field and plethora of write up and negative job action, work location assignments, being set up in the field. that no other worker was experiencing.
81. It was only the claimant that was writing statements everyday (G2) the claimant was being actively targeted, and Debbie Richardson- Brown was his partner, as Collecting Agent (Armed Guard) to service the MVM regularly. this is where Mrs. Brown- Richardson was exposed routinely as was the Claimant and other workers.
82. Management's position was hostile, against the workers, to discipline them with write up and job action, negative list them and single them out.
83. Management took a hostile position, they were going to get Awan Fired at all cost. the barb of work place violence and targeting is active. They formed a closed door gang that was going to target Awan.
84. **A brief example of wet up A) Awan is assigned 15 full inspections (each takes about an hour to complete properly) in a 8 hour tour, with no over time. only about 5 inspection could be completed. management knew this was an impossible task. of course there was a disciplinary write up the next week. claimant served discovery for the production of 10 years worth of workers log sheets of Claimant and one " Tom Tzikas" , who was always sitting in the shop. Defendants refused and dragged the case out for nearly a year. The arbitrator ruled against the Defendants, Ruling: you cant assign for one worker that you don't assign to other workers.**

- 85. the herein ruling will be raised in this proceeding, as the defendants have retaliated against the claimant with a hostile job action, suspended him with a fraudulent claim. had him followed for 6 months. have the defendants follow the other workers for 6 months as well?**
- 86. Second example: B)** on 4-14-2022 at 86 street (R165) station all the turnstiles are reported as Biohazardous Contaminated. they were previously placed out of service for the same. this time the memo was given to management and the MTA law dept.
- 87. About 2 weeks later:** the defendants set the claimant up again, and sent him back to the same location. On 5-9-22, this time the claimant called the shop and talked directly with Karen Fernandez, the head manager in the shop. she was told what was the field condition, she said come back and write it up. she was in the shop when the claimant came back. however when it was time for her to sign the memorandum, she bolted from the shop, to evade her duty. the claimant inquired supervisor John Ciardullo, who admitted she left. the claimant took the documents to the MTA law dept. and filed the memorandum with all documents. Fernandez became furious, and wrote Awan up for being a whistleblower, and demanded 20 days suspension for that reporting.
- 88. third incident C):** defendants management did set up claimant in the field. by sending REM A. Abramov to engage Awan into a physical fight at Penn, station 34th street on the A,C,E line last week of December 2022. The incident was reported to Director Dharam Singh. The next day sing calls both REM's into the office. to get the whole story. because the claimant was patient and didn't engage in a fight in the field. Singh brushed the report under the rug. instead of reporting the incident to labor relations, as he is required to. Singh, Ciardullo and Diaz set it up. claimant sent a formal demand for the report to Singh, he never responded, the report was also filed with the Law Dept.

First Secondary cause

- 89.** Shootings in the MTA property (stations) by workers and criminals. and the reporting of the mental health of the same.
- 90.** First aspect is that 4 Collecting Agents have Committed Suicide, as being pressured from work, weather these suicides have occurred on the property or at home.
- 91.** Second, Collecting Agents had to shoot perps, they have no means of escalating restraint, as do police, batons, pepper spray, Tasers, only a handgun. these situations go from 0- 100 in a heartbeat.
- 92.** Workers are told to keep the window of work in the machines to a minimum, to prevent a hit. and yet the management has written the claimant up for the same exact policy that was followed.
- 93.** the latest Shooting involved Mr. Mike Woods. who stated he had nowhere to retreat as the perp had followed the team on the train to the next station, at Union Street on the R Train.

94. On the other hand the reporting of armed guards that have mental de-stability, and reporting them to the proper department. Especially one case where the guard is elderly, and its questionable whether she should be anywhere near a firearm. It's a case of Bona Fide Occupational Qualification would apply here. the report was sent to the head of the Collection Agents department. one Reginald Barron at Central Revenue Facility.

Second Primary Cause

95. Robert Seaton incident. the Claimant being a elected union officer, had to report one workers to management, as his statements would rise to the level of terrorist threats: " he was going to take everyone out, before he jumps from a rooftop" which was captured on voice recorder and delivered to management Gordon Jinkens. he was pulled for questioning, then the same management put Seaton back in the shop to spark a fight with Awan, they were hoping for a fist fight on the shop floor, they would get rid of 2 birds with one Stone. Again the claimant patients in holding back from a physical fight. 2 mangers set this up. Jinkens and T. David came running. Praying fists would be flying. Again the ultimate goal was to get rid of Awan. yet again targeting the Whistle Blower to Date we are looking at 25 years of being targeted

SECOND SECONDARY CAUSE

96. pay stoppage as violence and retaliation against whistle blower

97. on or about July 2023 the claimant leg was injured, and claimant was forced to stop work to heal. all the paperwork was submitted, as claimant had private insurance, supplemental disability insurance. claimant finds out that he was 3 paychecks behind and all sick leave pay was being withheld, pending a doctor's note. on 8-25-2023 the claimant spends all day in the doctor's office to get the paperwork back to his office to release his back pay,
98. John Ciardullo refused to sign the doctors line as being received in the office. at 240 PM, his argument is he is leaving in 15 minutes, and was refusing to sign the papers. just so I would be stuck without pay for another 2 weeks. All he had to do was sign it and fax it to payroll. when he was pushed for the signature, he finally signed, big deal, the claimant emailed them to payroll.
99. John Ciardullo was one of the Gang members who was active in taking hostile action against Claimant. In addition Ciardullo made it his business Claimant couldn't work any over time. get a truck, get repair work, or any level of work that would be beneficial to the claimant. This group maintained a multi class of workers. Which is against the MTA policy. every day was problem when assigning the claimants work. they maintained shop pets. that would hang out in the shop, and not go out in the field to work.
100. the immediate racketeering ring involved John Ciardullo, Dharam Singh, Roberto Diaz, Carl Williams, John Weinberger, Karen Fernandez, Steve Illardi. Anatoli

Rubinshteyn these people formed a gang to stalk and commence job actions against the claimant, and the claimant spoke up about hazards in the field.

THIRD PRIMARY CAUSE

101. EQUAL PAY ACROSS THE BOARD OF THE MTA: THE Claimant works as a Revenue Equipment maintainer (REM) for the NYCTA branch of the MTA. however the pay grade is significantly less than the same title for Metro North branch or the Long Island Rail Road Branch. this is the result of the demographics of the race of workers inside the NYCTA branch, usually minorities. while the other branches are majority Whites in race. and MTA pay a higher salary for the same titles.
102. UNIFORM 3 JOB EXPANSION: once the NYCTA workers were uniformed, it broadened their job title duties without the proper pay increases. MTA mandated REM's wear uniform, simultaneously closing a majority of the booths in the subway stations .
103. REM's job duties expanded to include, a) Customer assistance/ service, b) be the security guard, deter and report illegal activity, c) equipment maintainer
104. once the REM is in uniform and on transit property, they are performing one or all duties at any given time.
105. the Court will take Judicial notice that NTA has brought the claimant up on charges, for performing these very duties, on May 6, 2025 took him out of service with trumped up charges, in retaliation as a whistle blower.
106. BOOTH CLOSURES: the MTA has been on the war path against the workers and the general public. By closing the Booths. the MTA has created a very hostile and dangerous condition for the general public. They have closed ½ the booths in Manhattan, the elderly, handicap or other peoples can not get serviced by a live agent, and more- often than not. are stuck or have to go across the street to find a booth for assistance.
107. For Example: Penn Station 34th street, is biggest hub in the system with 14 entry points to the subways alone. MTA has reduced the service to only 2 booths. one on 7th Ave and one on 8th Ave. a homeland security night mare. where can the public scramble in the event of an attack. this was deliberately done by the MTA Incompetent management. Same condition at Time Square 2 booths. Grand Central 1 Active Booth. Fulton Street Hub 2 booths for the entire Complex. They have created ripe condition for a terrorist attack. No workers on site to call in an alert.

Third Secondary cause

108. OMNY DECEPTION UPON THE PUBLIC 7 DAY TRAVEL CARD.: the MTA has actively engaged in activity to deceive the customers with a "7 day travel OMNY Card" which is in actuality 11 rides (\$2.90 per ride on a pay per ride media card). Falsely concealing from the public that it is not a actual 7 day Unlimited pass. which is in theory an unlimited pass for 7 days of actual travel.
109. By deceiving the customers. The customers are approaching uniformed workers, extremely aggravated. the MTA created a condition which would get the workers

attacked by the public. the Claimant and other workers have to address these issues to a customer that was robbed by the MTA deceptive practices. The MTA calls these workers as Frontline workers, as soldiers in essence.

- 110.** DANGER TO WORKERS FROM OMNY DECEPTION: the General public having been deceived and defrauded by the MTA, only see's the workers in a MTA uniform, as agents of the Corporation. which creates a hostile environment for the workers, and invites the attacks on the Workers, one Cleaner was horribly Stabbed on a Station. weather in full uniform or Orange safety Vests. Court will take Judicial notice that it the frontline workers that have to Deal with the mentally ill, Emotionally disturbed people on the frontlines. The Claimant has first hand knowledge the OMNY system is robbing the public, and its impossible to track as the general public, and MTA made it impossible to get refunds. Leaving the workers to bear the brunt of the public backlash.

FOURTH PRIMARY

- 111.** COVID LOCKDOWN SEGRAGATION AMONG WORKERS, 2 CLASS OF WORKERS: During the Pandemic, the MTA created 2 classes of workers, those who got the "Jab" from the alleged Vaccine and those who refused to be subjected to the Mandated Jab. those who took a proactive stand against forced tampering with our Bodies with Drugs administered under the Guise of a treatment. were forced to be Submitting to test of body fluids to keep their Jobs. while those who got the Jab, weren't tested and were actually the ones spreading the Coronavirus.
- 112.** substantive question before the Court did that violate the Title 42 USC §1983 laws or a violation of the Title VII of 1964 civil rights discrimination.

Fourth Secondary Cause

- 113.** WORK PLACE VIOLENCE: Violence against the MTA workers by other Workers or the Mentally ill in the MTA property will be address.
- a) Violence committed against the Claimant by MTA workers and being set up in the field for attacks. b) being sent to known contaminated sites to be exposed to contamination is also committing violence at the work place c) workers being attacked on the property wearing MTA uniforms.
- 114.** DISCRIMINATION BASED ON RELIGION AND RACE: claimant was also set up for disciplinary action, amongst whistleblower, he is also a Pakistani Born Muslim. whereas the Rules only apply to Claimant, denied on March 30, 2025 which is one of the Causes for the herein action at Law

Judicial notice on Claimant

The herein Claimant Abdul Q. Awan, has occupied the Job title for 25 years, has been exposed to contaminations on the work place. has Documented, reported the Contamination, and has been retaliated against.

Claimant is former Elected union officer as Vice Chair in Line Equipment Signals. Claimant is former Commissioner under Union President Roger Toussaint. claimant took on the position in 2007 when 2 Track workers were killed within a 7 day window. claimant investigated with his tem and penned in 17 New Laws and Rules dealing with anything on the Tracks, train operation, safety Upgrades. Claimant alleges that since the rules and regulation overhaul by claimant, only 3 Track workers have died by accident since 2007.

Claimant was sent to World Trade center site as directed by his work order and management, was exposed. and has suffered damages.

Claimant demanded the records from MTA for his being sent to WTC disaster. MTA cant locate the records. yet they have all the records of the Claimant write-up from day one of his service since 1999.

WRIT: the Claim once offered for filing can not be denied. and the Claim filed and served Can never be Dismissed. Defendants are hereby enjoined from Dismissing the Claim and must answer within 20 Days of service. and Pay all penalties imposed

Wherefore: the first Claim is Based in Law, Breach of the laws, in Tort Law and the redress of the Retaliation of the Whistle blower Act. Claimant Demands Justice for Claimant, His Coworkers and the General public that patronize the MTA.

Penalties imposed is \$10 million per day of suspension with a additional Claim of \$888.555 Billion USD inn Suit and Equity

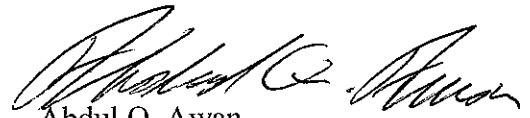
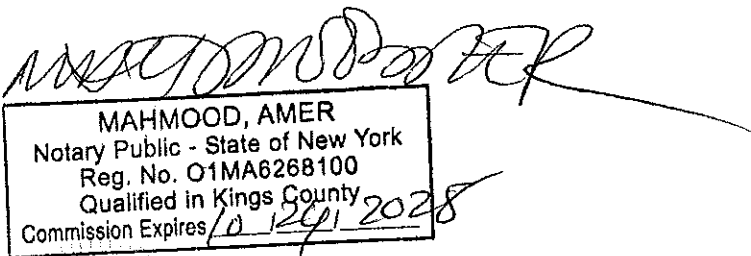
VERIFICATION

Abdul Q. Awan, being duly sworn, deposes and says:

I am the plaintiff/ petitioner in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

Also Complainant with FCPR §8 as a sworn claim

Sworn and subscribed to before me this 8th day of May, 2025


Abdul Q. Awan

Sui Juris, In Propria Persona

08 MAY 2025

NOTARY

**Subscribed to and Sworn
before me**

NOTICE OF CLAIM AGAINST MTA

Please take notice that Claimant Abdul Q. Awan puts you on notice that:

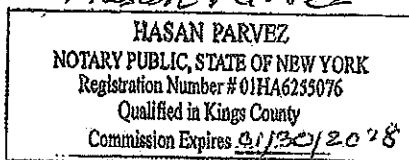
1. **Abdul Q. Awan** is a federal witness Title 5 U.S.C. §2302 whistle blower act.
2. The notice pursuant to CPLR §2302 for a Federal Suit against the M.T.A, Metropolitan Transportation Authority for Violations of R.I.C.O, Whistleblower Act, ADA violations, homeland security. Tort, biohazards contaminations, and workplace safety.
3. Violence against workers, and retaliation for reporting violations. Official records tampering. Attempting to attack the whistle blower at work.
4. Biohazardeous contamination of Transit Equipment, and the documentation and classification, and response. And the net effects of health and deaths of workers related to such.
5. Issues of Collecting Agents responding to and shooting on transit property
6. All issues of OMNY implementation and booth closures. Providing for the ADA/ elderly at stations, and General public safety
7. Homelessness, drug activity, general public safety
8. Revenue intake and loss, misappropriation of funds.
9. General incompetence of management/ miss-management
10. All issues will be made available to you in the Federal complaint. Your on Notice.

Claimed Amount in Damages will exceed **\$888.555 Billion** in Suit and Equity
Penalty imposed and sanctions for retaliation/ suspension against whistle blower: are accrued at \$10 million per day for retaliation with an interest rate of 25% compounded daily. Penalty to be paid upon summons and complaint

Sworn and subscribed before me on this 5th Day of September 2024

Notary

Hasan Parvez



Subscribed to and Sworn
before me

05 SEP 2024

Abdul Q. Awan
Abdul Q. Awan

Sui Juris
NOTARY PUBLIC

SEP 5 2024

NOTARY PUBLIC

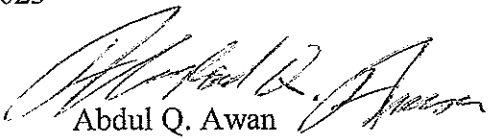
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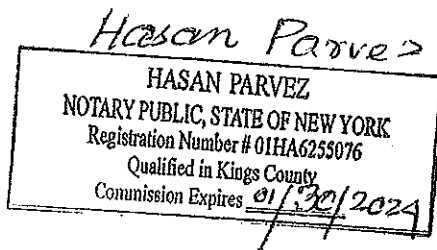
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8. Revenue intake and loss, misappropriation of funds.
9. General incompetence of management/ miss-management
10. All issues will be made available to you in the Federal complaint. Your on Notice.

Claimed Amount in Damages will exceed **\$888.555 Billion** in Suit and Equity

Sworn and subscribed before me on this 3rd Day of August 2023


Abdul Q. Awan
Sui Juris

Notary



*Subscribed to and Sworn
before me*

03 AUG 2023

RECEIVED
2023 AUG -4 P 3:17
GENERAL COUNCIL'S OFFICE

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF NEW YORK**

Abdul Q. Awan
Sui Juris, In Propria Persona
Claimant, Petitioner

DOCKET

Vs.

VERIFIED

MTA, New York Metropolitan Transit Authority,

COMPLAINT

Homeland Security Dept.,

National Transportation Safety Board (NTSB)

Center for disease Control (CDC),

Dept. of Transportation, (US DOT)

United States Attorney (DOJ)

Summons verified Claim, And Notice of Claim

Abdul Q. Awan

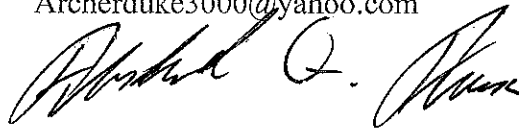
Sui Juris, In Propria Persona Claimant Petition

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New York, N.Y. 10113

646-261-7255

Archerduke3000@yahoo.com



TO: U.S. Department of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590
855-368-4200
202-366-4000

TO: National Transportation Safety Board•

490 L'Enfant Plaza, SW
Washington, DC 20594
Telephone (202) 314-6000
ExecutiveSecretariat@ntsb.gov.

TO: Homeland Security

Office of the Executive Secretary
MS 0525 Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528-0525

TO: U.S. Department of Justice

950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
202-514-2000

Centers for Disease Control and Prevention (CDC) USA.gov

<https://www.usa.gov/agencies/centers-for-disease-co...>
Main address. 1600 Clifton Rd. Atlanta, GA 30329.
800-232-4636

MTA

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